S. B. Civil Second Appeal No.381/2006.
(State of Rajasthan & Others v. Rakesh Chand)

Date of Order: :22-01-2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.H.R.Soni, Additional Government Advocate,
for Appellants.

Heard learned counsel for the appellants.

The trial Court passed the decree for Rs.16,052/- with interest against the appellants which was confirmed by the First Appellate Court by judgment and decree dated 4th December, 2001. However, the First Appellate Court modified the decree, so far as interest is concerned.

Learned counsel for the appellants submitted that the Court at Jodhpur had no jurisdiction to entertain the suit, in view of the fact that there was condition in the agreement that the Court at Bikaner shall have jurisdiction. It is also submitted that suit was filed by the plaintiff, despite the fact that the original contract was awarded to the partnership firm.

I considered the submissions of the learned counsel for the appellants and perused the facts mentioned in the judgments of the two courts below. Admittedly, the appellants failed to produce the agreement containing condition of exclusion of jurisdiction of Jodhpur Court. Therefore, the two courts below

rightly held that the suit is within jurisdiction. So far as frame of the suit is concerned, the suit has been filed in the name of the individual person, claiming himself to be proprietor of the firm. The original firm was dissolved before suit was filed.

In view of the above, no substantial question of law is involved in this appeal.

The appeal is dismissed.

(PRAKASH TATIA), J.

Scd.